

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1303

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3504, IDAHO CODE, TO REMOVE REFERENCE TO MISDEMEANORS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE FOR VIOLATIONS OF SPECIFIED LAW, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MISDEMEANORS, TO PROVIDE THAT SPECIFIED CONDUCT UNDER CERTAIN CIRCUMSTANCES SHALL CONSTITUTE A FELONY, TO PROVIDE FOR PENALTIES, TO PROVIDE THAT OTHER SPECIFIED CONDUCT SHALL CONSTITUTE MISDEMEANORS, TO REFERENCE PENALTIES, TO PROVIDE THAT EACH PRIOR CONVICTION OR GUILTY PLEA SHALL CONSTITUTE ONE VIOLATION AND TO PROVIDE THAT SPECIFIED PRACTICES ARE NOT ANIMAL CRUELTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-3504, Idaho Code, be, and the same is hereby amended to read as follows:

25-3504. COMMITTING CRUELTY TO ANIMALS. Every person who is cruel to any animal, or who causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal either as owner or otherwise, subjects any animal to cruelty, ~~is, for every such offense, guilty of a misdemeanor and~~ shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. Any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

SECTION 2. That Section 25-3520A, Idaho Code, be, and the same is hereby amended to read as follows:

25-3520A. PENALTY FOR VIOLATIONS -- TERMINATION OF RIGHTS. (1) Except as provided in section 25-3503, Idaho Code, any person convicted for a first violation of any of the provisions of this chapter shall be punished, for each offense, by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(2) Except as provided in section 25-3503, Idaho Code, any person convicted of a second violation of any of the provisions of this chapter within ten (10) years of the first conviction, shall be punished for each offense, by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000) or both fine and imprisonment.

(3) (a) Except as provided in section 25-3503, Idaho Code, any person convicted of a third or subsequent violation of any of the provisions of this chapter, except certain violations of section 25-3504, Idaho

1 Code, as provided in paragraph (b) of this subsection, within fifteen
2 (15) years of the first conviction, shall be guilty of a misdemeanor and
3 punished for each offense by a jail sentence of not more than twelve (12)
4 months or a fine of not less than five hundred dollars (\$500) or more
5 than nine thousand dollars (\$9,000) or by both fine and imprisonment.

6 (b) Except as provided in section 25-3503, Idaho Code, any person con-
7 victed of a third or subsequent violation who previously has been found
8 guilty of or has pled guilty to two (2) violations of section 25-3504,
9 Idaho Code, provided the violations were for conduct as defined by sec-
10 tion 25-3502(5) (a), Idaho Code, within fifteen (15) years of the first
11 conviction, shall be guilty of a felony and punished for each offense
12 by a jail sentence of not more than twelve (12) months or a fine of not
13 less than five hundred dollars (\$500) or not more than nine thousand
14 dollars (\$9,000) or by both fine and imprisonment. All other violations
15 of section 25-3504, Idaho Code, for conduct as defined by any other
16 paragraphs, other than paragraph (a) of section 25-3502(5), Idaho Code,
17 shall constitute misdemeanors and shall be punishable as provided in
18 paragraph (a) of this subsection.

19 (c) Each prior conviction or guilty plea shall constitute one (1) vi-
20 olation of this chapter regardless of the number of counts involved in
21 the conviction or guilty plea. Practices described in section 25-3514,
22 Idaho Code, are not animal cruelty.

23 (4) If a person pleads guilty or is found guilty of an offense under this
24 chapter, the court may issue an order terminating the person's right to pos-
25 session, title, custody or care of an animal that was involved in the offense
26 or that was owned or possessed at the time of the offense. If a person's right
27 to possession, title, custody or care of an animal is terminated, the court
28 may award the animal to a humane society or other organization that has as its
29 principal purpose the humane treatment of animals, or may award the animal
30 to a law enforcement agency or animal care and control agency. The court's
31 award of custody or care of an animal will grant to the organization or agency
32 the authority to determine custody, adoption, sale or other disposition of
33 the animal thereafter.